

IN THE UNITED STATES DISTRICT COURT

FOR THE MIDDLE DISTRICT OF ALABAMA

Brent William Jacoby

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plaintiff, 2019 DEC 20 A 10:16

V.

DEBRA P. HACKETT, CLK
U.S. DISTRICT COURT
MIDDLE DISTRICT ALA

Officer CANINE, Cpt. McKee, Sgt. [unclear]

Lt. CALVIN, Officer Clay

CIV # 19-CV-1007-WHA-CSC

defendants,

Jury TRIAL Demanded

42 USC 1983
Civil Rights Action
COMPLAINT

Your Honor, Mr Jacoby is appearing pro se in the ABOVE matter requesting relief from this most Honorable Court. I am currently being housed in a old run down cell behind the medical unit in Kilby Corr Fac Recovering from 2 separate beatings by Guards here and two at Elmore all in ^{A 10} day period as of today December 2, 2019 as I write this 1983 Action. I have not been charged with anything by anyone here at Kilby nor given any disciplinary seg. time. The Warden and or I & I and or Commissioners of Corrections got me in this inadequate cell with ants, Roaches and spiders crawling around, I have not had access to a Law Library, Reading materials, my property, my legal work or a chance to buy any hygiene products, stamps legal pads, envelopes or law books yet in ¹⁰ days. I'm scared of what's to come and am getting no answer from anyone.

PLEASE accept this handwritten format as is and I will try my best to be as detailed as possible for you and the defendants to respond. I had to get mental health to give me this paper and some crossword puzzle to write this on.

I am not Barred by the P.L.R.A. From bringing this suit, I don't have 3-strikes against me at the screening stage in the Federal Court and have been Filing 1983 Actions since 2005.

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PARTIES TO SUIT: Plaintiff: Brent William Jacoby Resides at,
Kilby Corr. Fac.
Mt Meigs, AL 36051

Defendants: Cpt McKee, Officer Canier, Lt. Calvin, Sgt Hall and
Officer Clay work at,
Elmore Corr. Fac
3520 Marion Spillway Rd
Elmore, AL 36025

This is my First time Seeking Relief From my Court Regarding the Facts
and Claims in this 1983 Action.

Claim #1) UNLAWFUL Deprivation of Life's Basic
Necessities and Property which Violated my Rights
under the United States Constitution 1st Amendment to
have access to my Religious Materials, Bible, 6th Amendment
Right to access my Legal Work, Materials, Supplies, Courts and
8th Amendment Right to have food, Bed, Sheets, Clothing, Shelter,
Water and a Toilet.

- A) ON OR ABOUT November 20, 2019 I got back to Elmore Corr. Fac. From
A Psychiatric Evaluation at Bullock. I was given clothing, Sheets, A Bed and told
to go to B-1 Dorm at about 6:00 pm and Officer Canier was working the Dorm.
- B) I left my mattress/bed at the Front Door Entrance of B-Dorm (B-1)
at ABOUT 6:00 pm and went Back to the Shift Office to get my property.
Somehow or Another the Front Door Entrance to B-Dorm is opened up and some
Inmate gets my mattress and ~~takes~~ it because its gone when I get back
to B-1 Dorm with my property. I get the officer to let me in the Front
Door to B-1. Camera Shows me entering with no mattress.
- C) I Go Around with my property between 6:00-6:30 pm looking for my

Assigned Bed in B-1 that D.O.C. Gave me but someone is on my Bed. So I sit my stuff/property down and go to the Bathroom as I try to figure out what to do next. Camera sprays this as well.

D) I Come back from the Bathroom and all my property is stolen. I now start raising hell and screaming for my mattress, sheets, blanket, towels and personal property back. Officer Lanier Gets a little bit of my stuff back, just some cloth and I get mad cause he tells me im screwed, I cant get another mattress/bed, sheets, blanket, and towels and ill have to figure it out on my own as to where my property and stuff went. I throw it all on the floor mad and tell em to go on and steal the rest. He makes me pick it up so I do and go in the sports T.V. Room to sit down and calm down.

E) While in the sports T.V. Room Inmate start talking trash to me, picking a fight with me and wanting the rest of my stuff. Im already mad, I dont feel good, Im drugged up on some mental health medication I dont want to take and have been forced to take at Bullock By Mr. Turner and DeShawn and was even shot up with dope in syringe against my will by Turner and SHAW so im very unstable, im paranoid, and Tired. Somehow or another I end up getting in a Altercation with the Inmates that stole my stuff and are wanting to steal the rest of it. Officer Lanier comes in the Sports T.V. Room and starts to spray me with pepper spray. ~~He then~~ drags me out the Dorm and takes me to the Shift office.

F) I was Not decontaminated at a eye wash station, given a shower, or medical Attention to get the peppery spray off me and eventually put in Another Dorm ~~at a few~~ Hours later.

G) My Mattress was never even Replaced nor was my Sheets and Clothes and towel. My Personal property ended up in the shift office locked in the closet containing all my legal work, hygiene products, Periodicals, paper, pen and Bible and pictures.

H) IN FACT You can clearly see me turning Around ALL Day Thursday November 21st going to the Shift office, Reviewing at the Back Gate, and I.C.S. on all these cameras begging Cpt. McKee for a mattress, sheets and clothes and my property and him not doing anything. The Cameraman also show me

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Running Around in the Freezing Cold all day and night Thursday and Friday. Begging these individuals Sgt Hall, Lt Calvin, the receiving officers at the Back Gate (where laundry is located and the mattresses). Cpt. McKee to please replace my clothes, mattress and sheets because I had none at all. But nobody would give me these things. I couldn't get nobody to do their jobs and they all told me no, go see this person or that person and I just made fun of me and ran me in circles in the cold. In fact I almost had a mattress that I just took out the shift office that belonged to someone else but a officer caught me stealing it and took it from me outside.

J) While in A-2 one night on the 21st, of November²⁰¹⁹ you can clearly see me asking officer Carver for a mattress and pointing out my empty bed to him in the Back of the Dorm and he just turns around and starts punching me in the face into a corner bed of the dorm. I immediately get on the wall phone and start reporting him. In fact I made about ¹⁰ calls to the Snitch, Investigation, PRAA Holcomb¹⁰ complaining about not having a mattress, sheets, clothes and property. A-2 camera supports this that night also.

I) FOR 3 days Cpt McKee, Lt Calvin, Sgt. Hall ran me around the compound ~~and~~ the freezing cold and refused to give me this stuff. D.O.C. demand inmates have this stuff. These 3 defendants deliberately refused me this stuff.

K) I WAS SO upset and mad I couldn't lay down and sleep. I couldn't stay warm and had no bed or place to call my "home" or get comfortable at. My whole body ached, my feet hurt, I got sick with a cold bug and McKee, Calvin and Hall deliberately tried to make me suffer and did make me suffer, I was emotionally distressed, had bad anxiety, stayed cold, had nowhere to sleep and was forced to stay up for days and just find empty steel beds to sit on during counts! Here I was already suffering mentally, going through some things because of the medications. Dr. Shaw and Mr. Turner were shooting up in me and making me take orally just to leave Bullock, inmates robbing me and hitting me and now these 3 defendants won't provide me with adequate shelter, clothes, bedding and give me my property.

(L) I did manage to catch a store DRAW Friday about 3:00 pm

And Bought over 100 something dollar worth of hygiene products, legal pads, pens, envelopes, Manila envelope, shower shoes, stamps, so I could do my law work, write Family, and somehow take a shower and Buy me a mattress, clother and towels From other inmates since D.O.C. [detention] Refused to give me what the law tells them to give me.

M) Sgt Hall called me out my Doem A-2 Friday night to talk to me ABOUT A disciplinary From the night before but he wouldnt let me go Back to the Doem. He wanted me to sit with him and Flirt with me all night and morning and lock me in a observation Cell FOR no Reasons. He then tells me to start stripping for him on the camera and give him a strip tease and he'll let me go at Breakfast. So I do it. He never lets me go though. ALL he does is Run me in and outside the shift office all night while I got nothing on But some DAZZY DUKES! He's more focused on GAY Stuff with me than giving me a place to sleep, Bed, clother, sheets, towels and my property. The shift office cameras and observation cameras clearly support this.

N) Lt. Calvin comes to work on Saturday morning the 23rd of November 2019 About 6:00-7:00 PM and is in the shift office with Sgt Hall. I open the door to speak to Lt. Calvin about all these issues and Sgt Hall greets me at the shift office door while im in handcuffs behind my back and kicks me so hard in my chest he sends me flying out the door all over the concrete about 10-Feet away into the grass knocking the wind out of me and reinjuring my Rib and Back putting more scratches and Bruises on me.

O) Lt. Calvin Sends me down to Receiving the Back Gate and locks me in the cage back there where the clother are at and has officer Clay watch me. They refuse to feed me Breakfast and lunch and the camera clearly shows this. The camera back where the clother are at ~~and~~ also shows Lt. Calvin spraying me with pepper spray and leaving me in there and me pooping and peeing all over the Floor about 11:00^{AM}-1:00 PM because officer Clay wont let me use the toilet.

P) The Receiving Back Gate camera also shows me begging for my personal property, to go pack my property and Bring my property with me before going to station on a Transfer to be sent to Kilby prison but officer

Clay and C. Carter went to my room and took everything I had packed up. Now they just violated policy again because my property is to be packed and documented on a property sheet to transfer with me. ALL my legal materials for my ~~4~~-pending Civil cases, my criminal appeal stuff, Bills, exhibits, Affidavits, pictures, Books and the \$100 something dollars in Brand new Deodorants, Shampoos, Toothbrushes, Toothpaste, Leg pads, Soap, Envelopes, legal envelopes pens, razor, ~~stamps~~ etc. etc. are being left behind deliberately to not only cause me more harm psychologically but mental anguish as well. Still to this day December 3rd as I write this 1983 Action I have gotten none of this stuff back and is stolen or lost somewhere at Elmore. The Facts and Proof is all on Cameron in Receiving, Receiving, Clutterhouse, shift office, observation Room, ICS, A-2 and B-1. Defendants Cant lie and cover up these ^{deliberate} ~~deliberate~~ intent to hurt me not only physically mentally but financially as well for No Justifiable Reason that served any Psychological Interests whatsoever!!!

Q) Defendants Mackee, Hall, Calvin and Clay did intentionally Violate my 1st, 6th, 8th, and 14th Amendment Rights under the USC. and were deliberately indifferent to my Rights, safety, wellbeing and wanted me to intentionally suffer mental Anguish, Physically and Financially. The Law was well settled not to treat me this way but they all said screw the law and did what they wanted to do and make up there own Rules and Policies By saying screw D.O.C. Policies and Rules. This and the Camera is all the "Supporting Facts I need!!" I Did suffer all these things!

Claim #2) Unnecessary Use of Force
which Violated my 8th Amendment right
to Be Free From cruel and Unusual
Punishment.

A-1) ON OR ABOUT November 21, 2019 Officer CAMERON WAS in A-2 on the 6:00pm shift dealing with some Cant and Bed ISSUES. He and I Both were in the Back of the Dorm and I started pointing out to him I still did not

P3-7
have a mattress, sheets and blanket to sleep on. He gets mad at me and turns around and starts punching me in the Face and Body into a Corner Bed of the Dorm that Belonged to Another Inmate. He used unnecessary Force on me For no Reason all because I was asking him for a mattress sheets and blanket and told me to "go sit my ass down somewhere I wasnt getting shit!!"

B-2) I immediately went to the Wall phone in A-2 Dorm and started to Report him for punching on me. My Jaw hurt so bad I thought it was Broken from him punching me. I called the Snitch Cnr to Report him and the other defendants Refusing to give me liter basic necessities at least 4-5 times in a 24 hour period. I was never even taken to get a Body Chart or to medical or given a chance to write him up and put him under Investigation. The Camera in A-2 clearly supports this as does the Wall phone.

C-3) Mental Health did come to see me the next day and I told them what happened and what I was going through But dont know what was done About it.

D-4) OFFICER Caniel had no Business punching on me period and he deliberately did this to hurt me and to go sit down somewhere and stop Bugging them for a Bed, sheets, clother and a blanket (which is my Right to have) but unconstitutional on his part as he violated my Right to be free from cruel and unusual punishment under the 8th Amendment of the United States Constitution. He deliberately used Force on me to hurt me Over a Mattress.

E-5) During the early morning hours From 6:00 am ^{Nov 23rd} up to 12:00 pm I was also assaulted, Beat on and had ~~for~~ unnecessary force used on me by officer Clay and Sgt Hall.

F-6) ON OR ABOUT Nov. 23rd 2019 at About 6:00 through 7:00 am After being ~~and~~ in and out the shift office all night and morning long by Sgt. Hall Talking with me, Lying to me, making me do sex shows for him on the observation Room Camera. I was coming Inside the shift office door In handcuffs (cuffed behind my Back)

When Sgt. Hall Greets me at the Door and Kicks me so hard that I go flying backwards about 10 feet in circles onto the cement and Grass. He kicked me so hard I couldn't Breathe and he knocked the wind out of me. I layed there in pain crying for about 10 minutes thinking my wrist was broken and chest was caved in. Body Charts were taken later on that day and the next day I thank!

G-7) I Begin crying out to Lt. Calvin for help and a Body Chart when he just laughs at me and says I aint dealing with this shit and Sends me down to the Back Gate Receiving Area with officer Clay to watch me and tells me I'm to stay down there all weekend till Monday and Teller Clay to give me a mattress only to lie on down there. This is illegal and the Receiving Back Gate is to be locked up on the weekends not housing me for two days on a Floor OR in a Cage.

H-8) Officer Clay Refuser to feed me (and Lt. Calvin) Breakfast and Lunch so now im upset and screaming and Beating on the door for help and a tray. I smack the Camera off the Walling with my shirt and start Screaming im gonna kill myself and sue you all. About 20 minutes later officer Clay comes in the room and starts punching me and smacking me in the back of my head and ribs telling me a stupid ass Faggott, Dumb Ass cracker, and how I aint gonna eat shit while he got some other John Doe officer with him. I Ball up crying in pain saying im sorry please stop.

I-9) Clay then calls Lt. Calvin on the Radio and they put me in a small Little Cage thats 2 1/2 by 4 feet long with a Little Bench in it out back where the Clothes are at (laundry) in Receiving with some older Model Camera Watching me. I'm still not fed any food and Beg Clay to let me use the toilet. He Refuser to let me use the Bathroom. I pee and poop all over the cage and myself and cant wipe my Butt Clean. About An Hour later Lt. Calvin comes in and SPlays me with pepper spray for no reason and leaves me in the Cage to Burn and suffer in pain with the spray all in my Eyes and Face and on my Body. Im still screaming Suicids to get out of the prison and help From mental Health. The spray is so strong I cant even Breathe, im literally Choking and Begging For AIR and WATER and am About to Die cause I Got Asthma. Its documented with medical I have Asthma.

I-10) At No Time am I decontaminated with water taken to a eye wash station or given a shower. Clay and Calvin say no Bitch, Burn Bad Ass, you're A tough Guy. This is all on Camera. I cried and Begged For water screaming in PAIN. Burning.

K-11) I'm eventually taken to station and transferred to Kilby on Suicide Watch later that day Around 3:00 pm. Camera, Body Chart is all Supporting Facts!

Claim #3) Unnecessary use of "excessive Force" X 2-times
Which Violated by 8th Amendment Right
to be free From Cruel and Unusual Punishment

A) ON or ABOUT Wednesday November 20, 2019 Officer Canine and Sgt Hall Did use excessive Force on me when I was pepper sprayed in B-1 over A Altercation with inmates Stealing my property From me and deliberately Refusing to Replace the state property.

B) D.O.C. Policy and Regulations demands inmates get decontaminated with water whether it be at a eye wash station, Shower, medical or somewhere practical in a timely manner after Pepper spray is used on them.

C) When officer Canine (the officer that sprayed me) and Sgt. Hall the Shift Sgt. Working this night Refused to get the spray off me and left me burning in pain, Begging for water and crying out I can't Breathe please help, this Behavior of theses became excessive force. There was no Reason to leave me hurting like this and telling me to Quit acting like a Bitch and Crying. They deliberately Refused to help me and decontaminate me and wanted Me to suffer. When Canine and Hall said maybe you'll learn to sit down ~~Someplace~~ ^{Somewhere}. We won't treat you like this and the Fact they Refused to decontaminate me even after the nurse told them to this became excessive and obvious Intent to MAKE me suffer and Burn because NOBODY Decontaminated me.

D) Not to decontaminate me even after the nurse told you to show malicious, motive, and Intent and Clear deliberate indifference to my Rights under the U.S.C. (8th Amendment) my safety and well being. This is Cruel and Unusual Punishment.

E) IN FACT I Just settled out of Court on a excessive use of force.

Claim for pepper spraying me and not decontaminating me in a case called. Brent Jacoby v. Baldwin County et al., 13-CU-0070?? 12-CU-0366 S.D. AL 2019. This case was Reversed and Remanded back to the lower Court from the Eleventh Circuit Court of Appeals in 2018 which was supported by another case Kingsley v. Hendricks a Supreme Court Court or another Eleventh Circuit case I can't remember?

So policies were not only set by A.D.O.C. Commissioners to decontaminate inmates after you spray them but Court law also mandated it as well. The Courts found it to be unnecessary use of excessive force not to decontaminate!

F) I WAS NOT acting up AFTER I WAS sprayed with pepper spray more of these Times! Therefore it served NO Penological interest at all to not decontaminate me and to leave me suffering in burning agony begging for water for hours and hours up to 30 hours till I even got a shower one time was strictly punitive and not Justifiable at all by Law or D.O.C. Policy. Hall, Calvin and Carrier and Clay wanted me to hurt and Burn on Purpose that's why more of those 4 defendants decontaminated me. Clay was still punching on me even when we got to station, I told medical and Mental Health this also and he and Lt. Calvin Refused to let me get my property to leave with it and my store Draw. I still don't have it or know where it's at to this day. I also have 2 Broken Ribs According to XRAY Results on Dec 3 and 4 2019 that I'm in pain suffering from because of the unnecessary use of force used on me by Clay and Hall Deliberately trying to and hurting me to cause me pain and suffering. Wherefore) Defendants Lt. Terrence Calvin, Sgt. Hall, Officer Carrier, Officer Clay AND Cpt. McKee ARE all being Sued in their individual Capacities for punitive and nominal Damages in the Amount of \$50,000⁰⁰ for violating my U.S. Constitutional 1st Amendment Rights, 6th Amendment Rights, 8th Amendment Rights and 14th Amendment Rights For each and every Reason stated ABOVE in my Detailed Facts "Claims #1-3" and for causing me pain and suffering, Burns for No Reason, Emotional Distress, Anxiety, Losing my personal property, Depression Bruised and or Broken Ribs, Bruises and scratches.

I'D ALSO like a Trial By Jury, Sgt Hall to be Fired or lose his Rank, Lt Calvin to be Fired or lose their Rank Cpt. McKee to be Fired or lose his Rank because they didn't take their Jobs seriously, made fun of me for days causing me psychological Harm and suffering Running me Around with nothing for days! I WANT my

Whole Store Draw that was taken off my Books on Thursday and Friday and signed for by me on Friday November 22, 2019 (Both of them) Replaced in its entirety as well.

December 3rd 2019

Respectfully Submitted
Brent W. Jacoby
Pro Se.

Sworn Declaration

I Brent William Jacoby declare under the penalty of perjury that everything stated in my Above styled matter 1983 Civil Rights Complaint is true and correct to the Best of my knowledge. This is A Real Life Horror story I lived to tell, not Fantasy or Frivibers.

I'd like to Recollege and incorporate everything previously stated as well as Facts and into this Declaration of mine to Support it so it does not get thrown out at Summary Judgement. Each and every single defendant did willingly, knowingly and deliberately Violate my rights and was malicious, cruel, mean and tried to cause me pain, harm,

Emotional Distress and Financial Burdens. The Cameras Support my Version of events completely. McKee, Calvin, Hall, Lanier and Clay hurt me on purpose. I and I came to see me today and I brought stories today on December 3rd 2019. See Attached! *

December 3rd 2019

Respectfully Submitted
Brent W. Jacoby Pro Se.

Certificate of Service

I Brent William Jacoby did on this 8th day of December 2019 MAIL A Copy of 42 USC 1983 Action on the United States Middle District Court One Church St Montgomery AL 36103 along with Supporting Poor Persons Form

12-8-19

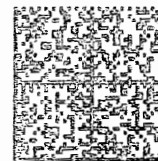
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Legal Mail
12-8-19

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
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